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9	Attorneys for Complainant
10	BEFORE THE BOARD OF REGISTERED NURSING
11	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
12	STATE OF CALIFORNIA
13	In the Matter of the Accusation Against: Case No. 2008-228
14	SUSAN KAY MORRISON 26065 Saratoga Avenue ACCUSATION
15	Laguna Hills, CA 92653
16	Registered Nurse License No. 680249
17	Respondent.
18	Complainant alleges:
19.	PARTIES
20	1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22	Department of Consumer Affairs.
23	2. On or about June 5, 2006, the Board of Registered Nursing issued
24	Registered Nurse License Number 680249 to Susan Kay Morrison (Respondent). The Registere
25	Nurse license was in full force and effect at all times relevant to the charges brought herein and
26	will expire on November 30, 2009, unless renewed.
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2761 of the Code states that the board may take disciplinary action against a certified or licensed nurse for unprofessional conduct.
 - 6. Section 2762 of the Code states in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

. . .

- 7. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or

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violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

- 9. <u>Darvocet N</u>, a brand name for propoxyphene naphsylate and acetaminophen, is a schedule IV controlled substance as designated by Health and Safety Code section 11057(c), and is a dangerous drug pursuant to Business and Professions Code section 4022.
- 10. <u>Ultram</u> is a non-narcotic analgesic dangerous drug pursuant to Business & Professions Code section 4022.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Unsafe Use of Controlled Substance or Dangerous Drug)

- 11. Respondent is subject to disciplinary action for unprofessional conduct under section 2761 in conjunction with 2762(b) in that she uses controlled substances or dangerous drugs to an extent as to be a danger to herself or others or to an extent as to impair her ability to practice safely as a nurse. The circumstances are as follows:
- A. Respondent moved to California in 2006 from Minnesota, where she has a nursing license. She was a participant in that licensing agency's diversion program for impaired nurses due to her abuse of or addiction to Darvocet-N (her drug of choice) and/or other controlled substance painkillers.
- B. Respondent also admits to using Ultram more than prescribed off and on for over 5 years. While in the Minnesota diversion program, Respondent relapsed in August, 2006.
- C. Respondent enrolled in the Board's diversion program in California on or about March 16, 2007.
- D. Respondent tested positive for Ultram on April 25, April 30, May 7, May 10, and May 17, 2007. She did not provide the Board's diversion program with any treatment provider reports documenting the ongoing need for the Ultram and did not use any defined appropriate protocol for receiving such drugs during recovery.

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1	E. On June 1, 2007, Respondent was terminated from the Board's diversion
2	program as a risk to public safety.
3	<u>PRAYER</u>
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein
5	alleged, and that following the hearing, the Board of Registered Nursing issue a decision:
6	1. Revoking or suspending Registered Nurse License Number 680249, issued
7	to Susan Kay Morrison;
8	2. Ordering Susan Kay Morrison to pay the Board of Registered Nursing the
9	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10	Professions Code section 125.3;
11	3. Taking such other and further action as deemed necessary and proper.
12	DATED: 1/25/08
13	
. 14	SOO LILIE
15	RUTH ANN TERRY, M.P.H., R.N. Executive Officer
16	Board of Registered Nursing Department of Consumer Affairs
17	State of California Complainant
18	Complatiant
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